JS 44 (Rev. 06/17) CDJ

CIVIL COVER SHEET

17-cv-3043

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

TRECIA A. HINES

(b) County of Residence of First Listed Plaintiff WESTCHESTER
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

17 3043

UNITED COLLECTION BUREAU, INC.

County of Residence of First Listed Defendant LUCAS
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- X 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- X 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- X 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*: 15 u.s.c. § 1692

Brief description of cause: FAIR DEBT COLLECTION PRACTICES ACT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ____ DOCKET NUMBER ____

JUL 07 2017

DATE 7/7/17 SIGNATURE OF ATTORNEY OF RECORD

S.T.

FOR OFFICE USE ONLY

RECEIPT # ____ AMOUNT ____ APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____

CDJ UNITED STATES DISTRICT COURT APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

17 3043

Address of Plaintiff: 444 N. TERRACE AVENUE #2, MOUNT VERNON, NY 10552-3111

Address of Defendants: 5620 SOUTHWYCK BLVD., SUITE 2016, TOLEDO, OH 43614

Place of Accident, Incident or Transaction: 444 N. TERRACE AVENUE #2, MOUNT VERNON, NY 10552-3111

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: ____________ Judge ____________ Date Terminated: ____________

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*
1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Fair Debt Collection Practices, 15 U.S.C. §1692

B. *Diversity Jurisdiction Cases:*
1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases
(Please specify)

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ARBITRATION CERTIFICATION

(Check appropriate Category)

I, ____________________, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: ____________ ____________ ____________
Attorney-at-Law Attorney I.D.

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/7/17 [signature] 207715
Attorney-at-Law Attorney I.D.

CIV.609 (4/03)

JUL 07 2017

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APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

17 3043

2017 JUL -7 P 3:03

CASE MANAGEMENT TRACK DESIGNATION FORM

TRECIA A. HINES	:	CIVIL ACTION
v.	:	
	:	
UNITED COLLECTION BUREAU, INC.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

7/7/17	[signature]	Andrew M. Milz
Date	**Attorney at Law**	**Attorney for Plaintiff**
610-822-0782	610-667-0552	AMILZ@CONSUMERSLAW.COM
Telephone	**Fax Number**	**E-Mail Address**

(Civ.660) 10/02

JUL 07 2017

CDJ

#40

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRECIA A. HINES, Plaintiff, vs. UNITED COLLECTION BUREAU, INC., Defendant.	CIVIL ACTION NO. 17 3043

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COMPLAINT

I. INTRODUCTION

1. This action is brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA"). The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

2. Defendant debt collector sent a collection notice to Plaintiff that stated the lender "will report any discharge of indebtedness as required by the Internal Revenue Code and corresponding IRS regulations." Under prevailing IRS regulations, reporting of debt forgiveness is frequently not required due to the many exceptions to reporting. The statement is false, deceptive and misleading, in violation of the FDCPA.

II. JURISDICTION

3. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692k, and 28 U.S.C. §§1331 and 1337.

4. *In personam* jurisdiction exists and venue is proper as Defendant does business in this district and has caused harm in this district.

III. PARTIES

5. Plaintiff Trecia A. Hines is a consumer who resides in Mt. Vernon, New York.

6. Defendant United Collection Bureau, Inc. ("UCB") is a limited partnership with an office for the regular transaction of business at 5620 Southwyck Blvd., Suite 206, Toledo, OH.

7. Defendant regularly uses the mail and telephone to attempt to collect consumer debts alleged to be due another.

8. Defendant regularly engages in business and collects debts in the Eastern District of Pennsylvania.

9. Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

10. On July 12, 2016, Defendant, United Collection Bureau, Inc. sent Plaintiff a communication in connection with a consumer debt allegedly due Macy's (*See* correspondence from United Collection Bureau, Inc. dated July 12, 2016 attached hereto as Exhibit "A," redacted per Fed. R. Civ. Pro. 5.2).

11. In the July 12, 2016 letter, Defendant stated:

> "DEPARTMENT STORES NATIONAL BANK (DSNB) will report any discharge of indebtedness as required by the Internal Revenue Code and corresponding IRS regulations. Please contact your tax advisor if you have any questions."

(*See* Ex. "A").

12. The statement in the collection letter that United Collection Bureau, Inc.'s client "will report any discharge of indebtedness as required by the Internal Revenue Code and corresponding IRS regulations" is false and is misleading.

13. IRS Regulation 1.6050P requires that an "applicable entity" report a cancellation or discharge of indebtedness under certain circumstances when the discharge of principal is at least $600.

14. There are seven exceptions to the reporting requirement as provided in IRS Regulation 1.6050P including, *inter alia*, discharge of interest or non-principal amounts in lending transactions, the release of a co-obligor, and consumer bankruptcy.

15. The gratuitous, *in terrorem* reference in a collection letter that a creditor may be required to provide information on the consumer to the IRS is a collection ploy that suggests involvement of the IRS to the least sophisticated consumer.

16. Thus, the definitive statement that Department Stores National Bank ("DSNB") "will report any discharge of indebtedness" is misleading and deceptive.

17. The statement is material. It suggests to the consumer that any settlement for less than full payment (i.e. any discharge of indebtedness) will be reported to the most feared government agency, the Internal Revenue Service, because reporting is required by the Code and regulations.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

18. Plaintiff repeats the allegations set forth above as if the same were set forth at length herein.

19. Defendant violated the FDCPA by sending two collection notices to Plaintiff which:

(a) Made false, deceptive, or misleading representations or statements in connection with the collection of consumer debt, 15 U.S.C. § 1692e; and

(b) Utilized a false representation or deceptive means to collect or attempt to collect a consumer debt, 15 U.S.C. § 1692e(10).

WHEREFORE, Plaintiff Trecia A. Hines prays that this Court enter judgment against Defendant Untied Collection Bureau, Inc. for;

(a) Damages;

(b) Attorney's fees and costs; and

(c) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury as to all issues so triable.

Respectfully submitted:

DATE: 7/7/17

CARY L. FLITTER
ANDREW M. MILZ
FLITTER MILZ, P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072
(610) 822-0782

Attorneys for Plaintiff

EXHIBIT "A"

UNITED COLLECTION BUREAU, INC.
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO OH 43614

July 12, 2016

1-800-890-8548

TRECIA A HINES
444 N TERRACE AVE # 2URB
MOUNT VERNON NY 10552-3111

Creditor:	DEPARTMENT STORES NATIONAL BANK (DSNB)
Regarding:	MACY'S
Last Four Digits of Creditor Account Number:	XXXXXXXXXXXX3122
United Collection Bureau, Inc. Reference Number:	[redacted]6288
Current Account Balance:	$6836.86

Dear TRECIA A HINES:

On behalf of DSNB, United Collection Bureau, Inc. will accept a settlement in the amount of $5,332.75 for the above referenced account. This settlement offer will save you the sum of $1,504.11. To take advantage of this offer please ensure the total payment is received in our office by July 28, 2016. We are not obligated to renew this offer and this agreement is contingent upon clearance of funds.

If you wish to accept this offer, please contact our office to establish a payment method and date, or mail a copy of this letter together with your payment to the remit address below. Please make your check or money order payable to DSNB. When calling our office, please refer to settlement offer number 2878810 and your reference number 53886288.

In the event you are unable to accept this offer, we encourage you to contact our office to establish a payment arrangement toward the full balance of the account.

Please scan the QR code below to be directed to our website to make a payment, or you can go to: www.ucbinc.com, click on make a payment and follow the prompts.

Thank you for your prompt attention to this matter.

Sincerely,
United Collection Bureau, Inc.

DEPARTMENT STORES NATIONAL BANK (DSNB) will report any discharge of indebtedness as required by the Internal Revenue Code and corresponding IRS regulations. Please contact your tax advisor if you have any questions.

This is an attempt to collect a debt by United Collection Bureau, Inc., a debt collector, and any information obtained will be used for that purpose.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

24CU027000CSIF

PLEASE RETURN THIS PORTION WITH PAYMENT. DO NOT ATTACH CHECK TO STUB.
PLEASE MAKE YOUR PAYMENT PAYABLE TO DSNB.

Creditor:	DEPARTMENT STORES NATIONAL BANK (DSNB)
Regarding:	MACY'S
Last Four Digits of Creditor Acct. Number:	XXXXXXXXXXXX3122
Current Account Balance:	$6836.86
United Collection Bureau, Inc. Reference No:	[redacted]6288
United Collection Bureau, Inc. Telephone No:	1-800-890-8548

PO BOX 1448
MAUMEE OH 43537

ADDRESS SERVICE REQUESTED

REMIT TO:

UNITED COLLECTION BUREAU, INC.
PO BOX 1448
MAUMEE OH 43537

July 12, 2016

TRECIA A HINES
444 N TERRACE AVE # 2URB
MOUNT VERNON NY 10552-3111

172517519